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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 DARREN MICHAEL BRIN,

11 Plaintiff,

12 v.

13 JOSHUA HARTWICK, et al.,

14 Defendants.

CASE NO. C24-1019JLR

ORDER

15 **I. INTRODUCTION**

16 Before the court is *pro se* Plaintiff Darren Michael Brin’s motion to remand.
17 (Mot. (Dkt. # 6); Reply (Dkt. # 12).) Defendants Joshua Hartwick, Felicia Espana, James
18 Jordal, and Keith Polzin (collectively, “Defendants”) oppose the motion. (Resp. (Dkt.
19 # 10).) Because the motion is fully briefed, the court exercises its discretion under
20 Federal Rule of Civil Procedure 1 to decide it before the noting date. *See* Fed. R. Civ. P.
21 1 (stating the court should construe the Federal Rules of Civil Procedure “to secure the
22 just, speedy, and inexpensive determination of every action and proceeding”). The court

1 has considered the motion, the parties’ submissions in support of and in opposition to the
2 motion, the relevant portions of the record, and the governing law. For the reasons
3 explained below, the court DENIES the motion.

4 II. BACKGROUND

5 Mr. Brin commenced this action in King County Superior Court on April 18,
6 2024, alleging Defendants violated his constitutional rights by subjecting him to a false
7 arrest. (Compl. (Dkt. # 1-1) at 1-5.) Mr. Brin asserts claims under several federal
8 statutes, including 42 U.S.C. § 1983, 42 U.S.C. § 1986, and 18 U.S.C. §§ 241-42. (*Id.* at
9 2-3.) Mr. Brin also brings state law claims under article I, section 7 of the Washington
10 Constution, as well as Washington House Bill 1310 (effective July 25, 2021). (*Id.* at 3.)
11 Finally, Mr. Brin asserts claims for “oath of office violations,” “armed abuse of office,”
12 “armed abuse of authority,” “armed operating status w/o bond or insurance,” and “armed
13 deprivation of rights.” (*Id.* at 3-4 (capitalization altered).) Defendants removed the
14 action to this court on July 11, 2024, invoking federal question subject matter
15 jurisdiction. (Removal Not. (Dkt. # 1) ¶¶ 5-9.) Mr. Brin filed the instant motion to
16 remand four days later on July 15, 2024. (*See generally* Mot.)

17 III. ANALYSIS

18 Removal is proper in “any civil action brought in a State court of which the district
19 courts of the United States have original jurisdiction.” 28 U.S.C. § 1441(a). This court
20 has original jurisdiction over “all civil actions arising under the Constitution, laws, or
21 treaties of the United States”—commonly known as “federal question jurisdiction.” 28
22 U.S.C. § 1331. Removal based on federal question jurisdiction is reviewed under the

1 “well-pleaded complaint” rule, which provides that federal question jurisdiction exists
 2 “when a federal question is presented on the face of the plaintiff’s properly pleaded
 3 complaint.” *Hansen v. Grp. Health Coop.*, 902 F.3d 1051, 1057 (9th Cir. 2018) (quoting
 4 *Caterpillar Inc. v. Williams*, 482 U.S. 386, 392 (1987)). Because federal claims appear
 5 on the face of Mr. Brin’s complaint, the court has subject matter jurisdiction over this
 6 action and removal was proper. (*See* Compl. at 2-3.)

7 That Mr. Brin asserts claims under both federal and state law is of no consequence
 8 to the removal calculus. (*See* Mot at 2 (arguing remand is proper because Mr. Brin
 9 asserts state law claims); Reply at 2 (same).) As Defendants correctly observe, “[w]hen a
 10 plaintiff chooses to plead a federal claim, removal is the *defendant’s* option.” (Resp. at 3
 11 (citing *Caterpillar*, 482 U.S. 386).) Indeed, the Ninth Circuit has explained as follows:

12 A plaintiff is the master of the plaintiff’s complaint, and has the choice of
 13 pleading claims for relief under state or federal law (or both). . . . [I]f these
 14 claims give rise to concurrent jurisdiction, the plaintiff may choose to file in
 15 either state or federal court. But if the plaintiff elects state court, the
 16 defendant then has the option of removing the case from state court to federal
 17 court under the general removal statute, 28 U.S.C. § 1441. The upshot is
 18 that . . . the plaintiff may, by eschewing claims based on federal law, choose
 19 to have the cause heard in state court under most circumstances.

20 *Hansen*, 902 F.3d at 1056 (internal citations and quotations omitted). Mr. Brin could
 21 have avoided removal by pleading only state law claims, but he elected to plead federal
 22 claims. In light of those federal claims, removal was proper.

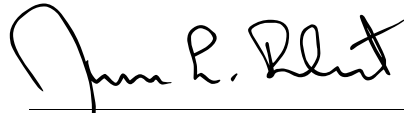
Mr. Brin’s other arguments similarly fail. Defendants’ status as municipal police
 officers and the location of the offense conduct in the City of Bothell do not affect this
 court’s subject matter jurisdiction. (*See* Mot. at 2.) And Mr. Brin’s reliance on federal

1 bankruptcy law as a basis for remand is illogical and inapposite, as this Section 1983 case
2 poses no bankruptcy issues. (*See id.*) Accordingly, remand is not warranted.

3 **IV. CONCLUSION**

4 For the foregoing reasons, the court DENIES Mr. Brin's motion to remand (Dkt.
5 # 6).

6 Dated this 1st day of August, 2024.

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8 JAMES L. ROBART
9 United States District Judge
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